EXHIBIT 4

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

JUAN LOPEZ, on behalf of himself, FLSA Collective Plaintiffs and the Class

Plaintiff, Case No.: 20-cv-09113

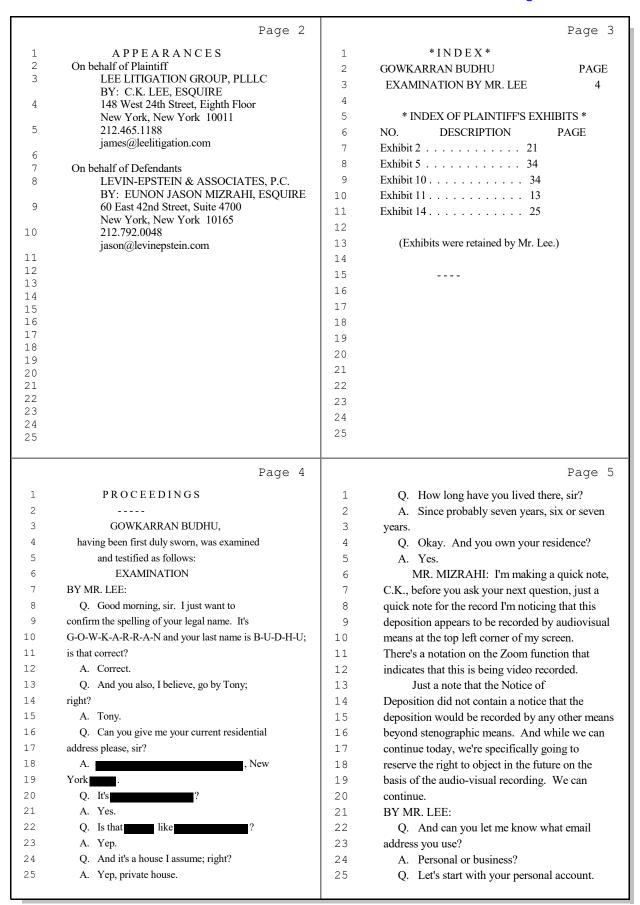
V.

THERMO TECH MECHANICAL, INC. GOWKARRAN BUDHU and SHANTI BUDHU,

Defendants.

REMOTE DEPOSITION OF GOWKARRAN BUDHU, a witness herein, called by the Plaintiff for examination, taken by and before Ann Medis, Registered Professional Reporter and Notary Public in and for the Commonwealth of Pennsylvania, via Zoom videoconference, on Thursday, September 28, 2023, commencing at 10:15 a.m.

Job No: 7982



	Page 6		Page 7
1	A. @gmail.com.	1	A. I would say so, yeah, yeah.
2	Q. @gmail.com?	2	Q. And what is your work email?
3	A. Yes.	3	A. It's @thermotechmech.com and
4	Q. How long have you used that email, sir?	4	also
5	A. All my life, since I got an email, never	5	Q. Can you slow it down so the reporter can
6	had another email. That's the only email I ever	6	write it down.
7	had.	7	A. attention (a) thermotechmech.com.
8	Q. Okay. So how old are you now, sir?	8	Q. Thermo Tech?
9	A. I'm 47.	9	A. Yeah.
10	Q. And your birth date?	10	Q. Okay. Any other emails?
11	A	11	A. @thermotechmech.com.
12	Q. So you started the gmail account maybe	12	Q. @thermotechmech.com?
13	when you were ten years old, something like that?	13	A. Yeah.
14	A. Probably a little bit more than that.	14	Q. Anything else?
15	Q. Older or younger?	15	A. No.
16	A. Of the gmail account?	16	Q. Is the office email one that you share
17	Q. Yeah, when you opened this gmail	17	with other people?
18	account.	18	A. Yeah.
19	A. Yeah. It was a long time. It's got to	19	Q. Who do you share it with?
20	be more than 10 years.	20	A. All of our staff that are working in the
21	Q. No, I meant when you were ten years old?	21	office.
22	A. No, no. I was like probably maybe early	22	Q. How many staff work in the office?
23	2000s I would think. A long time. I don't	23	A. One, two five of us.
24	remember.	24	Q. So I believe you are the president
25	Q. When you were in your mid 20s?	25	of I'm sorry the email, is that Thermo with
	Page 8		Page 9
1	an O like Thermo Tech?	1	A. No.
2	A. Yes, T-H-E-R-M-O.	2	Q. But you're related to Steve and Shanti;
3	Q. The five people that work in the office	3	right?
4	is yourself; right?	4	A. Shanti is my wife. Steven is my
5	A. Yes.	5	brother.
6	Q. And would it also be Steven Budhu?	6	Q. So you mentioned that your wife is
7	A. Yes.	7	disabled now. What's her disability now?
8	Q. And would it be Shanti Budhu?	8	A. She had spinal surgery, and she doesn't
9	A. No. Shanti is no longer Shanti is no	9	walk anymore.
10	longer working there. She's disabled.	10	Q. I'm sorry to hear that. When did that
11	Q. Did she used to work in the office?	11	occur, sir?
12	A. Yes.	12	A. About four years ago.
13	Q. Okay. And then Pheronya?	13	Q. And do you have children, sir?
14	A. Yes.	14	A. Yeah. We have two children.
15	Q. Amjit; right?	15	Q. Their ages, sir?
16	A. Yes.	16	A. 26 and 22.
17	Q. I guess before, that was four persons.	17	Q. Okay. So you had kids, I guess,
18	Was there another person?	18	relatively young; right?
19	A. Melissa Amjit.	19	A. Yes. We were married at 20.
20	Q. Is Melissa and Pheronya related somehow?	20	Q. You got married when you were 20?
21	A. Yeah. They're cousins.	21	A. Yeah.
22	Q. Are you related to Melissa or Pheronya?	22	Q. Wow. That's young. That's great.
23	A. No.	23	Congrats. It's good to start early and finish
24	Q. So they, themselves, are related, but	24	early; right?
25	you're not related to them?	25	A. Yep.

Page 10 Page 11 1 Q. Let's see. I'm sorry that we are 1 residential? 2 meeting under difficult circumstances. You 2 A. I do it for public and private entity, 3 understand that you're currently being produced as 3 mostly commercial. 4 a corporate representative for Thermo Tech 4 Q. When you say public and private 5 5 Mechanical; right, sir? entities, you mean public entities like schools 6 6 A. Yes. and hospitals; right? 7 7 Q. And you're also being produced in your A. Schools, hospital, metropolitan -- MTA, 8 own individual capacity I believe as the president 8 federal. 9 9 of Thermo Tech Mechanical; right? Q. When you say private, that just means 10 10 A. Yes. private corporations; right? 11 Q. And so Thermo Tech, I guess the business 11 A. Yes. 12 is you guys install and repair HVAC systems; is 12 Q. But the company doesn't -- isn't really 13 that right? 13 working on like homes or residences; right? 14 A. Yes. 14 A. No. We don't really do residential 1.5 MR. LEE: For the court reporter, HVAC 15 work. 16 is H-V-A-C. 16 Q. Okay. So how did you get into this 17 BY MR. LEE: 17 business? Q. Those are basically, I guess, cooling, 18 18 A. I was 18 years old, and I was a helper 19 cooling units? 19 for a company that had three, four employees. 20 A. It's heating, ventilation and air 20 Three days a week I had to deliver soda, which is 21 conditioning. 21 the syrup and the carbon dioxide to those bars 22 22 Q. So it's both heating and cooling? that you have the spray gun and you go to the bar 23 A. Yes. 23 and they spray your soda in a cup. Q. And do you do it for -- you do it for 24 24 Q. Yeah, yeah. 25 corporates and businesses only, or do you also do 25 A. Deliver the syrup and the CO2. I was a Page 12 Page 13 1 1 helper with the boss doing this, and I helped him that right? 2 2 for like about a year. Then the boss dropped MR. MIZRAHI: Objection to the form of 3 3 dead, and I stayed with the company. I went to that question. 4 air conditioning school. All the customers was 4 Tony, you can respond. 5 5 THE WITNESS: Not really. There are still out there. Nobody is there to take and do 6 6 anything. So whatever little customer, whatever many tasks that has to be done that are designated 7 7 to different people. We have people who are just little I know, I did side jobs, and the side jobs 8 8 that I go to became more and more and more until doing delivery. We have people who are just sheet 9 9 it turns into a business. metal workers. We have people who are just 10 Q. Okay. And so I believe at any given 10 technicians. We have people who are just time, you have about 40 people working at your 11 fabricators. We have people who are just project 11 12 company; right? 12 management. So there are different roles. MR. MIZRAHI: Objection to the form of 13 BY MR. LEE: 13 14 14 the question. Q. Okay. 15 You can respond. 15 MR. LEE: Jenie, can you pull up 16 THE WITNESS: I mean, I don't think we 16 Plaintiff's Exhibit 11. 17 ever had that much staff at any given time. I 17 BY MR. LEE: 18 think at most --18 Q. Do you see this document, sir? It's 19 19 BY MR. LEE: Bates-stamped 335. 20 Q. Let me ask you a question. So other 20 A. You got to zoom it in. I can't see it. 21 than the five people and administration, right, 21 Maybe I can zoom it. Let me see. 22 the people that work in the office? 22 Q. We're going to pull it up. Anyway, this 23 23 is marked as Plaintiff's Exhibit 11. And do you A. Um-hum. 24 Q. I think everybody else that works at 24 see that this is a document from I think 25 your company are HVAC installers or helpers; is 25 California Insurance Company?

	Page 14		Page 15
1	A. Okay. What's that?	1	date of January 2019?
2	Q. Do you know what this document is, sir?	2	Do you see that, sir?
3	A. No.	3	A. Yes.
4	Q. Have you ever seen this document?	4	Q. Okay. Do you recall now that California
5	A. Not to my memory.	5	Insurance Company was a carrier for your company
6	Q. California Insurance Company, is that an	6	back in 2019?
7	insurer of your business.	7	A. No, I don't. I don't recall. I have to
8	A. Not that I ever recall.	8	check.
9	Q. Well, this document was produced by your	9	Q. Who would know?
10	attorney. Do you know who was responsible for	10	A. The records are in the office. I would
11	producing documents for discovery in this lawsuit?	11	just have to just go pull the insurance folders.
12	A. Pheronya would have produced all the	12	Q. So I think your wife Shanti was a
13	documents, but I need to verify. We change	13	bookkeeper. Is there a bookkeeper after your
14	carrier from time to time. So I don't remember	14	wife?
15	which is what.	15	A. Pheronya is the bookkeeper after my
16	Q. But do you recognize that California	16	wife.
17	Insurance Company could have been a carrier for	17	Q. She's the bookkeeper now. When did she
18	your company?	18	assume those duties?
19	A. It could have been.	19	A. Probably about four years ago, as soon
20	Q. And do you see on this document it says	20	as Shanti got sick.
21	on its schedule that Thermo Tech Mechanical is a	21	Q. So right now it's 2023. So around 2019?
22	client of California Insurance Company?	22	A. Yeah, I would say so.
23	Do you see that?	23	Q. So right around this time, possibly this
24	A. Okay. Yeah.	24	insurance company was the carrier; right?
25	Q. And do you see that it has an effective	25	A. Yeah. I would think so, yeah.
	Page 16		Page 17
1	Q. It has here the estimated number of	1	A. Yeah.
2	employees at your company. Is that number	2	Q. But then so what does PLA stand for
3	accurate? It says 41.	3	again?
4	A. The reason they have it like that is	4	A. Project labor agreement.
5	because we have PLA, which is project labor	5	Q. And you're saying for various project
6	agreement. We hire people from the union hall for	6	labor agreements, you have to use certain
7	like two days or one day probably a week, but it	7	individuals that are affiliated with the union?
8	will be a new guy every time you call. When you	8	A. That's correct.
9	look at the year, it looks like a lot of employee,	9	Q. And so you'll use, I guess, a certain
10	a lot of turnover, but it's not because the	10	number of people as required for certain projects;
11	project requires union. So we will bring one guy	11	is that right?
12	specifically for that task if it's only for a week	12	A. Yeah. Per the PLA agreement, it will
13	or maybe two days or maybe, you know, three weeks.	13	tell you the ratio, number of people to your
14	And every time you change, a different	14	employees, and it will also tell you the trade
15	guy is coming in. So it looks like a lot of	15	specifics, if it's Local 638, depending on what
16	people when you look at the payroll at the end of	16	the task is.
17	the year, but it's not. We have an average of	17	Q. And then so these different people, will
18	about 15 to 18 people at all times, somewhere	18	they be working on a project for like a week or
19	around there.	19	two weeks?
20	Q. The actual people who are doing like	20	A. Yeah. It can be a week. It can be two
21	HVAC installation and repair, right, it's about 15	21	weeks. It can be one day.
22	to 18 people at any given time?	22	Q. Then these guys are paid on your
23	A. In the office. So we're talking about	23	payroll; right?
24	probably ten guys on the road.	24	A. When the project is finished, they get
2.5	O Olsan	I or	laid off automatically. They go back to the union
25	Q. Okay.	25	laid off automatically. They go back to the infion

	Page 18		Page 19
1	hall. And if we ever need a guy again, we call	1	actuality, they may be there for only a day or
2	the same union if it's the same trade, and they	2	maybe a week.
3	will send not the same guy. Sometimes they do	3	Q. Okay.
4	send the same guy. But they will send another	4	A. Yeah.
5	guy.	5	Q. Okay. So you work full time; right,
6	Q. So how many projects how many of	6	sir?
7	these projects with PLAs would you be undertaking	7	A. Yes.
8	a year? Is it one a week, like two a week? Like	8	Q. Do you work full time at the office?
9	how many are those?	9	A. Yes, and out in the field. I go to
10	A. We will have like probably 10, 15	10	field meetings and also at the office.
11	projects per year.	11	Q. And so do you hire staff?
12	Q. Okay. And then so each project would	12	A. Yes.
13	require what, two to five temporary people from	13	Q. So you hire like these HVAC guys that
14	the union that would be on your payroll?	14	you work with?
15	A. Again, it all depends on what it is. It	15	A. Yes.
16	can be more. It can be less.	16	Q. And if they're doing a bad job, you
17	Q. Okay. And then so over the course of,	17	could fire them; right?
18	let's say, one year, even though your total	18	A. Well, we try to keep people as long as
19	headcount for people that are permanently on your	19	we can and train them.
20	payroll is only around, let's say, ten	20	Q. But if something terrible
21	A. Yeah.	21	(Simultaneous speaking.)
22	Q the actual headcount at the end of	22	Q. It's a little bit different from normal
23	the year can easily be like 50 or 60 people;	23	talking. You have to wait until I finish. Then
24	right?	24	you talk. And then I wait until you finish. And
25	A. When you look at the year, but in all	25	then I talk. You have to respond verbally, so
	Page 20		Page 21
1	just to clarify.	1	A. Not at all.
2	So if you really wanted to, you can	2	MR. LEE: Jenie, can you pull up
3	terminate someone at your company; right?	3	Exhibit P2.
4	A. Yes.	4	BY MR. LEE:
5	Q. And you set the compensation for your	5	Q. So do you know what this document is,
6	employees?	6	sir?
7	A. Yes.	7	A. What document? I don't see anything.
8	Q. And you can give people more work hours	8	Hold on one second. It's a lawsuit with Juan
9	or less work hours; correct?	9	Lopez against us.
10	A. Yes.	10	Q. That's right. That's right. Have you
11	Q. And you have access to all the employee	11	ever seen this document before, sir?
12	records; right?	12	A. Yeah.
13	A. Yes.	13	Q. Have you read this document?
14	Q. And your brother Steve, does he hire and	14	A. Briefly.
15	fire people also?	15	Q. Can you tell me in your own words what
16	MR. MIZRAHI: Objection to the form of	16	the claims are from Mr. Lopez?
17	question.	17	A. From my understanding, he's claiming
18	Tony, you can respond.	18	that we owe him money.
19	THE WITNESS: For the most, I do those	19	Q. Can you tell me why he believes the
20	things. He usually take the guys and train them.	20	company owes him money? Can you tell us what his
21	He don't really do the hiring and firing. He can	21	specific allegations are?
	recommend if the guy is good or not.	22	MR. MIZRAHI: Objection to the form of
22			41. 4
23	BY MR. LEE:	23	that question.
	BY MR. LEE: Q. Okay. And is your wife involved in the business at all part time or no?	23 24 25	Tony, you may respond. THE WITNESS: He told me one time that

	Page 22		Page 23
1	his dad was sick and he needed to buy a house and	1	Q. If somebody wanted to take a day off,
2	he's traveling. He need more money. I'm not sure	2	does she let them take a day off?
3	if that's my problem.	3	A. No.
4	BY MR. LEE:	4	Q. And what was Shanti's job duties when
5	Q. Are you aware of what the allegations	5	she was there?
6	are in the complaint against the company and	6	A. Payroll, account payable, receivable,
7	yourself?	7	answering telephone, paying the bills, depositing
8	A. Yes. He's claiming we didn't pay him	8	checks.
9	for the hours he worked, and we did. That's all I	9	Q. Was she the person responsible for
10	know.	10	ensuring that employees were paid correctly?
11	Q. Okay. I'm sorry. Just to clarify, when	11	A. She's responsible to enter the
12	Shanti was working there, right, at Thermo Tech,	12	information into the system from what she received
13	was she a bookkeeper, or did she have other job	13	and making sure that they reflect what is on the
14	duties also?	14	papers, you know. If a guy works 10 hours, you
15	A. She was bookkeeping. She's also helping	15	have to enter it. Their rates are there in the
16	taking phone calls, doing project stuff. We're a	16	computer.
17	small business. We do many things at the same	17	Q. But if somebody had a question about the
18	time.	18	wage policies at the company, would they go to
19	Q. Does Shanti also hire or fire people?	19	you, or would they go to her, or could they go to
20	A. No.	20	both people?
21	Q. No?	21	A. They go to me only.
22	A. No.	22	Q. And you would answer the questions
23	Q. If somebody wanted a raise, can she give	23	regarding people's wage questions?
24	them a raise?	24	A. Yes.
25	A. No.	25	Q. And just to clarify, you're not a you
1	don't have an accounting degree; right?	1	If a guy is doing ductwork, he has to
2	A. No.	2	have the sheet metal wage rate for that at that
3	Q. And you also don't have a law degree;	3	time. I'm the guy who made sure all of those
4	right?	4	things match up.
5	A. No.	1 -	
6		5	O. So I believe people, when they're
ū	O. Okay. And so you were the person	5	Q. So I believe people, when they're filling out their time records, they were required
7	Q. Okay. And so you were the person responsible for ensuring that Thermo Tech was in	6	filling out their time records, they were required
7 8	responsible for ensuring that Thermo Tech was in	6 7	filling out their time records, they were required to provide rounded times. Is that accurate?
8	responsible for ensuring that Thermo Tech was in compliance with prevailing wage requirements?	6	filling out their time records, they were required to provide rounded times. Is that accurate? MR. MIZRAHI: Objection to the form of
	responsible for ensuring that Thermo Tech was in compliance with prevailing wage requirements? A. Yes.	6 7 8	filling out their time records, they were required to provide rounded times. Is that accurate? MR. MIZRAHI: Objection to the form of that question.
8 9 10	responsible for ensuring that Thermo Tech was in compliance with prevailing wage requirements? A. Yes. Q. Okay. And you were the person	6 7 8 9	filling out their time records, they were required to provide rounded times. Is that accurate? MR. MIZRAHI: Objection to the form of that question. Tony, you may respond.
8 9 10 11	responsible for ensuring that Thermo Tech was in compliance with prevailing wage requirements? A. Yes. Q. Okay. And you were the person responsible for ensuring that Thermo Tech's	6 7 8 9 10 11	filling out their time records, they were required to provide rounded times. Is that accurate? MR. MIZRAHI: Objection to the form of that question. Tony, you may respond. THE WITNESS: No. Your shift is given
8 9 10 11 12	responsible for ensuring that Thermo Tech was in compliance with prevailing wage requirements? A. Yes. Q. Okay. And you were the person responsible for ensuring that Thermo Tech's employees were properly paid under federal and	6 7 8 9 10 11 12	filling out their time records, they were required to provide rounded times. Is that accurate? MR. MIZRAHI: Objection to the form of that question. Tony, you may respond. THE WITNESS: No. Your shift is given to you. You start at 8:00 and end at 4:30, for
8 9 10 11 12 13	responsible for ensuring that Thermo Tech was in compliance with prevailing wage requirements? A. Yes. Q. Okay. And you were the person responsible for ensuring that Thermo Tech's employees were properly paid under federal and state wage laws?	6 7 8 9 10 11 12 13	filling out their time records, they were required to provide rounded times. Is that accurate? MR. MIZRAHI: Objection to the form of that question. Tony, you may respond. THE WITNESS: No. Your shift is given to you. You start at 8:00 and end at 4:30, for example. You're going to be at, you know, Battery
8 9 10 11 12 13 14	responsible for ensuring that Thermo Tech was in compliance with prevailing wage requirements? A. Yes. Q. Okay. And you were the person responsible for ensuring that Thermo Tech's employees were properly paid under federal and state wage laws? A. Yes.	6 7 8 9 10 11 12 13 14	filling out their time records, they were required to provide rounded times. Is that accurate? MR. MIZRAHI: Objection to the form of that question. Tony, you may respond. THE WITNESS: No. Your shift is given to you. You start at 8:00 and end at 4:30, for example. You're going to be at, you know, Battery Tunnel bathroom job or you're going to be at parks
8 9 10 11 12 13	responsible for ensuring that Thermo Tech was in compliance with prevailing wage requirements? A. Yes. Q. Okay. And you were the person responsible for ensuring that Thermo Tech's employees were properly paid under federal and state wage laws? A. Yes. Q. So what did you do to implement policies	6 7 8 9 10 11 12 13	filling out their time records, they were required to provide rounded times. Is that accurate? MR. MIZRAHI: Objection to the form of that question. Tony, you may respond. THE WITNESS: No. Your shift is given to you. You start at 8:00 and end at 4:30, for example. You're going to be at, you know, Battery Tunnel bathroom job or you're going to be at parks and recreation job. You show up at that time.
8 9 10 11 12 13 14 15	responsible for ensuring that Thermo Tech was in compliance with prevailing wage requirements? A. Yes. Q. Okay. And you were the person responsible for ensuring that Thermo Tech's employees were properly paid under federal and state wage laws? A. Yes. Q. So what did you do to implement policies to ensure that employees were accurately paid?	6 7 8 9 10 11 12 13 14 15	filling out their time records, they were required to provide rounded times. Is that accurate? MR. MIZRAHI: Objection to the form of that question. Tony, you may respond. THE WITNESS: No. Your shift is given to you. You start at 8:00 and end at 4:30, for example. You're going to be at, you know, Battery Tunnel bathroom job or you're going to be at parks and recreation job. You show up at that time. You leave at that time. And that should be on
8 9 10 11 12 13 14 15 16	responsible for ensuring that Thermo Tech was in compliance with prevailing wage requirements? A. Yes. Q. Okay. And you were the person responsible for ensuring that Thermo Tech's employees were properly paid under federal and state wage laws? A. Yes. Q. So what did you do to implement policies to ensure that employees were accurately paid? A. I would review the sign-in sheets. I	6 7 8 9 10 11 12 13 14 15	filling out their time records, they were required to provide rounded times. Is that accurate? MR. MIZRAHI: Objection to the form of that question. Tony, you may respond. THE WITNESS: No. Your shift is given to you. You start at 8:00 and end at 4:30, for example. You're going to be at, you know, Battery Tunnel bathroom job or you're going to be at parks and recreation job. You show up at that time. You leave at that time. And that should be on your time sheet.
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8 9 10 11 12 13 14 15 16 17 18 19 20	responsible for ensuring that Thermo Tech was in compliance with prevailing wage requirements? A. Yes. Q. Okay. And you were the person responsible for ensuring that Thermo Tech's employees were properly paid under federal and state wage laws? A. Yes. Q. So what did you do to implement policies to ensure that employees were accurately paid? A. I would review the sign-in sheets. I would review the task that they're doing, if they're steamfitters or they're sheet metal workers or they're laborers. The job description	6 7 8 9 10 11 12 13 14 15 16 17 18	filling out their time records, they were required to provide rounded times. Is that accurate? MR. MIZRAHI: Objection to the form of that question. Tony, you may respond. THE WITNESS: No. Your shift is given to you. You start at 8:00 and end at 4:30, for example. You're going to be at, you know, Battery Tunnel bathroom job or you're going to be at parks and recreation job. You show up at that time. You leave at that time. And that should be on your time sheet. MR. LEE: Jenie, can you pull up Plaintiff's Exhibit 14. BY MR. LEE:
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Page 26 Page 27 1 Q. Now, do you see that his hours are 1 afternoon and you're supposed to be leaving there 2 rounded to the nearest whole hours? 2 at 3:00, you need to authorize overtime. So you 3 3 MR. MIZRAHI: Objection to the form of must punch in when you're being told, and your app 4 4 is going to prove your location if you're there or that question. 5 5 Tony, you may respond. not. 6 THE WITNESS: That's his shift. That's 6 Q. But do you agree an individual should be 7 7 what time he should be there, and that's what time logging in their actual time started? For 8 8 example, they might have gotten in a minute or two he should be leaving there. 9 9 early, right, and started working. Do you think BY MR. LEE: 10 10 Q. So are you aware that a company is that they should be clocking in those times? 11 supposed to pay an employee for actual hours 11 MR. MIZRAHI: Same objection. 12 worked and not for their scheduled work shift? 12 Tony, you may respond. 13 MR. MIZRAHI: Same objection. 13 THE WITNESS: They should clock in when 14 14 Tony, you may respond. they're supposed to be there, just like a time 15 1.5 THE WITNESS: Absolutely. clock. When you come in and you punch your card 16 16 in the time clock, that's the way it should be. BY MR. LEE: 17 17 Q. And are you saying that Mr. Lopez worked You walk into the site. You could come to the exactly eight hours to the minute four days in 18 site two hours before, one hour before. You're 18 19 this workweek? 19 outside eating your breakfast, whatever. But when 20 A. Absolutely. That's his schedule. You 20 you walk into the site, that's what you have to 21 have to be there at 7:00 and you have to leave at, 21 write on the paper. I walked in the site this 22 22 and you have your lunch hour in between. If you time and I walked out of the site that time. 23 show up there at 5:00 in the morning, that's not 23 BY MR. LEE: 24 my problem. You need to be there at 7:00. 24 Q. But what about, for example, at the end 25 25 If you leave there at 6:00 in the shift, you have him clocking out at 3:00 p.m. Page 28 Page 29 1 1 every single day. Tony, you may respond. 2 THE WITNESS: I'm not sure what you're Do you see that? 2 3 A. Yeah. That's when he's supposed to be 3 asking me. Can you rephrase that? 4 4 BY MR. LEE: leaving. 5 5 Q. Is it possible that he's actually not Q. Basically for all of your employees at 6 6 leaving at 3:00 and he's staying a little bit Thermo Tech, similar to Mr. Lopez, they're logging 7 7 in at their scheduled start time; right? later because he cannot input his actual work 8 8 time? A. Yes. 9 9 MR. MIZRAHI: Objection to the form of Q. And they're logging out at their 10 that question. 10 scheduled completion time; right? 11 11 Tony, you may respond. A. Yes. Q. And nobody can actually put down the 12 12 THE WITNESS: I don't know of any 13 situation like that. I know that when a guy is 13 exact time when they started work, if it was a 14 told you're working from 7:00 to 3:00, 3:00 he's 14 little bit before or after their start time: 15 15 leaving. And if there's any issues he needs to right? 16 work overtime, he will call it in, and we will 16 MR. MIZRAHI: Objection to the form of 17 17 look for it to make sure it reflects on his time that question. 18 18 sheet when he comes in. Tony, you may respond. 19 19 THE WITNESS: The rule is your shift BY MR. LEE: 20 20 Q. But I believe the policy at your company starts at this time and your shift ends at that 21 is that everybody is supposed to be working to 21 time. If you want to work any additional hour, 22 their scheduled shift hours and they can't put in 22 earlier or later, it must be authorized and we 23 23 will make sure the time sheet reflects that. their actual time. Is that true? 24 MR. MIZRAHI: Objection to the form of 24 BY MR. LEE: 25 that question. 25 Q. Okay.

MR. LEE: Jenie, can I trouble you to go back to Tabhist P2. And if I could have you go to page five. BY MR. LEE: So, so on Eshbist P2, in paragraph 17, it states, "Defendant Shanty Budhu, the company's accountant, would prevent plantiff and other employees from writing down the precise time they finish working. If plaintiff rise to do so, defendant Shanty Budhu, would tell him, no, we don't do that here. Instead, plaintiff was required to round down his time worked to the nearest half hour." It that accurate? A. No. Q. Whar's not accurate about that statement? A. They need to—they have their shift, and if they're working half an hour later, one hour later, you must write down that's the time. We don't deally try to get people to work for— they working at 42.58 or you're going to stop working at 43.58 or you're going to stop working at 43.58 or you're going to stop working at 43.59 or you're going to stop working at 43.58 or you're going to stop working at 43.59 or you're going to stop Q. How and to work work half hour more, you as and if they're working half or the parties. Page 32 Q. Hy wo're not authorized to work -		Page 30		Page 31
4 BY MR. LEE: 5 Q. So on Exhibit P2, in paragraph 17, it 5 states, "Defendant Shanty Budhu, the company's 6 accountant, would prevent plaintiff and other 8 employees from writing down the precise time they 9 finish working. If plaintiff rised to do so, 10 defendant Shanti Budhu would tell him, no, we 11 don't do that here. Instead, plaintiff was 12 required to round down his time worked to the 13 nearest half hour." 14 Is that accurate? 15 A. No. 16 Q. Whafs not accurate about that 15 A. No. 16 Q. Whafs not accurate about that 16 A. They need to — they have their shift, 17 and if they're working half an hour later, one 18 hour later, you must write down that's the time. 19 We don't really try to get people to work for— 22 stop working at 452 or 437. You want to twork 23 working at 435 or 437. You want to tow to 24 somebody you want to work a half hour more, you 25 want to work two hours overtime, okay, no problem. 26 Windlanceous speaking) 27 Q. How is that not accurate? 28 A. Because overtime are being authorized to none hour overtime, okay, no problem. 29 they are being a bridge of the company says that your authorized to work one hour, you work one hour. If you've authorized to work one hour, you work one hour and a half. 29 A. You're not authorized to work the company policy. If the company says that you're authorized to work one hour, you work one hour and a half. 20 A. You're not supposed to not follow the company policy. If the company says that your'e authorized to work one hour, you work one hour and a half. 20 A. You're not supposed to not follow the company policy. If the company says that your'e authorized to work one hour, you work one hour and a half. 21 BY MR. LEE: A that part you have to everyhody would want to do their own thing. They will come in any time and say. Page 32 22 BY War and the company says that your'e authorized to work one hour, you're authorized to work one hour you work one hour in the you work one hour and a half	1	MR. LEE: Jenie, can I trouble you to go	1	three hours overtime.
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accountant, would prevent plaintiff and other employees from writing down the precise time they finished working if 1425, he would have to write down 4:00. Defendant Shanti Budhu would tell him, no, we defendant Shanti Budhu would tell him, no, we required to round down his time worked to the nearest half hour." 12 required to round down his time worked to the nearest half hour." 13 nearest half hour." 14 Is that statement accurate? 15 A. No. 16 Q. What's not accurate about that 17 statement? 18 A. They need to — they have their shift, and if they're working half an hour later, one hour later, you must write down that's the time. 20 hour later, you must write down that's the time. 21 We don't really try to get people to work for — stop working at 4:55 or 4:37. You want to tell want to work two hours overtimes, you want to work 22 stop working at 4:55 or 4:37. You want to tell want to work two hours overtimes, you want to work 23 BY MR. LEE: 24 Q. Hold on. 25 BY MR. LEE: 26 Q. Hold on. 27 Page 32 1 Q. If you're not authorized to work the Soi if you're authorized to work the Soi if you're to authorized to work the Soi if you're authorized to work the Soi if you're not authorized to work the So	5	Q. So on Exhibit P2, in paragraph 17, it	5	problem. Punch out.
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9 finish working. If plaintiff tried to do so, defendant Shanti Budhu would tell him, no, we defendant Shanti Budhu would tell him, no, we consider that do that here. Instead, plaintiff was required to round down his time worked to the nearest half hour." 12 required to round down his time worked to the nearest half hour." 13	7	accountant, would prevent plaintiff and other	7	
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			l	
25 fight, but is she disabled like in she call t walk?		gays. We can go oack on when you guys are ready.	l	•
	20			right, out is she disdoled like in she can't walk?

	Page 34		Page 35
1	A. Her right hand, right foot, right side	1	Q. Do you recognize this as a sample
2	of her body does not function. Her left hand	2	paystub for Juan Lopez?
3	functions about 30 percent.	3	A. Yeah.
4	Q. So is she bedridden, or is she in a	4	Q. And do you recognize the pay rate for
5	wheelchair?	5	Juan Lopez for this pay period which starts
6	A. Bedridden. She goes from bed to	6	September 24, 2016?
7	wheelchair.	7	A. Yeah.
8	Q. Is she mentally coherent or she's not	8	Q. His regular pay rate is \$20, and he
9	mentally coherent?	9	worked 34 hours flat.
10	MR. MIZRAHI: Objection to the form of	10	Do you see that on the top row?
11	that question.	11	A. Um-hum.
12	Tony, you can respond.	12	Q. You need to verbalize your responses
13	THE WITNESS: She's mentally coherent.	13	either "yes" or "no."
14	BY MR. LEE:	14	A. Yes.
15	Q. Thank you. So let's go to Exhibit P10.	15	Q. And so 20 times 34, he's paid \$680.
16	I'm sorry.	16	Do you see that, sir?
17	MR. LEE: Jenie, can we actually go to	17	A. Yes.
18	Exhibit P5. If we can go to what's Bates-stamped	18	Q. And do you see on the top right-hand
19	P33 under P5, Jenie. I'm sorry. Can we go to 33.	19	side, it says ADP on this earnings statement?
20	If you can blow it up a little bit.	20	A. Yes.
21	BY MR. LEE:	21	Q. And so you recognize ADP was a payroll
22	Q. Do you see the paystub in front of you,	22	service provider for your company; is that right?
23	sir, that's Bates-stamped P33 under Plaintiff's	23	A. Yes.
24	Exhibit 5?	24	Q. And you recognize on the top left-hand
25	A. Okay.	25	side it has Thermo Tech Mechanical as the employer
	Page 36		Page 37
1	for Mr. Juan Lopez.	1	A. Absolutely.
2	Do you see that, sir?	2	Q. Now, do you see the fourth line item
3	A. Yes.	3	that says supl b?
4	Q. And on the earnings column in the third	4	Do you see that, sir?
5	row, do you see a line item that says prevail?	5	A. Yes.
6	Do you see that, sir?	6	Q. What does that mean?
7	A. Yes.	7	A. Supplemental benefit.
8	Q. Okay. And so do you see that he is	8	Q. Can you tell me what supplemental
			hanafita ana?
9	he has a 32.46 rate for his prevailing wage pay		benefits are?
10	rate; is that accurate?	10	A. The government mandates two rates to be
10 11	rate; is that accurate? A. Yes.	10	A. The government mandates two rates to be given to an employee for a given task depending on
10 11 12	rate; is that accurate? A. Yes. Q. And the prevailing wage would be what is	10 11 12	A. The government mandates two rates to be given to an employee for a given task depending on what the task is. For those tasks, they have two
10 11 12 13	rate; is that accurate? A. Yes. Q. And the prevailing wage would be what is paid for contractors working for certain	10 11 12 13	A. The government mandates two rates to be given to an employee for a given task depending on what the task is. For those tasks, they have two rates to be paid, prevailing wage and supplemental
10 11 12 13 14	rate; is that accurate? A. Yes. Q. And the prevailing wage would be what is paid for contractors working for certain governmental projects; is that right?	10 11 12 13 14	A. The government mandates two rates to be given to an employee for a given task depending on what the task is. For those tasks, they have two rates to be paid, prevailing wage and supplemental benefits.
10 11 12 13 14 15	rate; is that accurate? A. Yes. Q. And the prevailing wage would be what is paid for contractors working for certain governmental projects; is that right? A. Yes.	10 11 12 13 14 15	A. The government mandates two rates to be given to an employee for a given task depending on what the task is. For those tasks, they have two rates to be paid, prevailing wage and supplemental benefits. Q. Okay. So for this project that
10 11 12 13 14 15	rate; is that accurate? A. Yes. Q. And the prevailing wage would be what is paid for contractors working for certain governmental projects; is that right? A. Yes. Q. And certain governmental projects have a	10 11 12 13 14 15 16	A. The government mandates two rates to be given to an employee for a given task depending on what the task is. For those tasks, they have two rates to be paid, prevailing wage and supplemental benefits. Q. Okay. So for this project that Mr. Lopez was working on, he worked six hours on a
10 11 12 13 14 15 16 17	rate; is that accurate? A. Yes. Q. And the prevailing wage would be what is paid for contractors working for certain governmental projects; is that right? A. Yes. Q. And certain governmental projects have a certain required prevailing wage that you would	10 11 12 13 14 15 16 17	A. The government mandates two rates to be given to an employee for a given task depending on what the task is. For those tasks, they have two rates to be paid, prevailing wage and supplemental benefits. Q. Okay. So for this project that Mr. Lopez was working on, he worked six hours on a prevailing wage project where he got the
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10 11 12 13 14 15 16 17 18 19 20	rate; is that accurate? A. Yes. Q. And the prevailing wage would be what is paid for contractors working for certain governmental projects; is that right? A. Yes. Q. And certain governmental projects have a certain required prevailing wage that you would pay your workers for such projects; right? A. Yes. Q. And you understand that regardless of	10 11 12 13 14 15 16 17 18 19 20	A. The government mandates two rates to be given to an employee for a given task depending on what the task is. For those tasks, they have two rates to be paid, prevailing wage and supplemental benefits. Q. Okay. So for this project that Mr. Lopez was working on, he worked six hours on a prevailing wage project where he got the prevailing wage rate of 32.46 and he also got the supplemental benefit of 13.53 per hour; is that right?
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10 11 12 13 14 15 16 17 18 19 20 21 22 23	rate; is that accurate? A. Yes. Q. And the prevailing wage would be what is paid for contractors working for certain governmental projects; is that right? A. Yes. Q. And certain governmental projects have a certain required prevailing wage that you would pay your workers for such projects; right? A. Yes. Q. And you understand that regardless of your contracted pay rate with Mr. Lopez or any other employee at your company, for prevailing wage projects, you need to pay the specified	10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. The government mandates two rates to be given to an employee for a given task depending on what the task is. For those tasks, they have two rates to be paid, prevailing wage and supplemental benefits. Q. Okay. So for this project that Mr. Lopez was working on, he worked six hours on a prevailing wage project where he got the prevailing wage rate of 32.46 and he also got the supplemental benefit of 13.53 per hour; is that right? A. Yes. Q. And so generally, are the pay statements with these similar earnings details what's
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	rate; is that accurate? A. Yes. Q. And the prevailing wage would be what is paid for contractors working for certain governmental projects; is that right? A. Yes. Q. And certain governmental projects have a certain required prevailing wage that you would pay your workers for such projects; right? A. Yes. Q. And you understand that regardless of your contracted pay rate with Mr. Lopez or any other employee at your company, for prevailing wage projects, you need to pay the specified prevailing wage on certain governmental projects	10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. The government mandates two rates to be given to an employee for a given task depending on what the task is. For those tasks, they have two rates to be paid, prevailing wage and supplemental benefits. Q. Okay. So for this project that Mr. Lopez was working on, he worked six hours on a prevailing wage project where he got the prevailing wage rate of 32.46 and he also got the supplemental benefit of 13.53 per hour; is that right? A. Yes. Q. And so generally, are the pay statements with these similar earnings details what's provided to all of your HVAC installers and
10 11 12 13 14 15 16 17 18 19 20 21 22 23	rate; is that accurate? A. Yes. Q. And the prevailing wage would be what is paid for contractors working for certain governmental projects; is that right? A. Yes. Q. And certain governmental projects have a certain required prevailing wage that you would pay your workers for such projects; right? A. Yes. Q. And you understand that regardless of your contracted pay rate with Mr. Lopez or any other employee at your company, for prevailing wage projects, you need to pay the specified	10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. The government mandates two rates to be given to an employee for a given task depending on what the task is. For those tasks, they have two rates to be paid, prevailing wage and supplemental benefits. Q. Okay. So for this project that Mr. Lopez was working on, he worked six hours on a prevailing wage project where he got the prevailing wage rate of 32.46 and he also got the supplemental benefit of 13.53 per hour; is that right? A. Yes. Q. And so generally, are the pay statements with these similar earnings details what's

	Page 38		Page 39
1	A. Yeah. Those pay rates are based on the	1	all employees.
2	task that was performed.	2	BY MR. LEE:
3	Q. Okay. I'm just talking about the	3	Q. Okay. And you don't treat Mr. Lopez any
4	information. The information that's provided on	4	worse or better than any of your other employees;
5	your earnings statements to your employees are	5	is that right?
6	generally the same, right, outside of office	6	A. Absolutely not.
7	workers; right?	7	Q. You treat all your employees the same;
8	A. Yeah. Those line items tell you your	8	right?
9	prevailing wage rates and your regular hours	9	A. Absolutely.
10	rates.	10	Q. Do you believe that you are a fair
11	Q. Just so we're clear, Juan Lopez, what	11	employer?
12	did he work for you as, do you recall?	12	A. Wholeheartedly I do.
13	A. He was basically a helper, assisting the	13	Q. Has anybody ever complained to you about
14	sheet metal worker and sometimes going to	14	how they were treated at work?
15	supervise the PLA workers.	15	A. In what sense?
16	Q. Okay. And he got paid overtime just	16	Q. Did anybody complain about being
17	like any of your other workers; right?	17	shortchanged for their pay?
18	A. Absolutely.	18	A. Not that I know, no. Employees always
19	Q. And the way he was required to input his	19	want to make more money, of course. That's the
20	time or to report this hours worked was similar to	20	nature of everyone. They will always wish they
21	other employees also; is that correct?	21	could make more and they want to perform more, and
22	MR. MIZRAHI: Objection to the form of	22	we will try to (indecipherable) to do better to
23	that question.	23	grow, and that's basically their regular
24	Tony, you can respond.	24	day-to-day operation on how you deal with
25	THE WITNESS: We have one protocol for	25	employees. They will always want more just like
	Page 40		Page 41
1			-
1	myself. You always want to make more.	1	THE WITNESS: I don't see it, no.
2	MR. LEE: Jenie, on the same exhibit,	2	MR. LEE: It's way at the bottom. MR. MIZRAHI: For the record, the
3	can you go further down until you get to	3	
4	Bates-stamp 54. I'm sorry. Actually, why don't	4	document that is being displayed does not appear
5	you go to 53 first.	5	to have a Bates-stamped number, and I've never
6	BY MR. LEE:	6 7	seen this document produced before.
7	Q. Do you see this text message to a person		MS. MARIANI: If you look all the way
8	named Adam?	8	down to your right, the Bates stamp is there. Now
9	A. Okay.	9	it's highlighted in blue.
10	Q. Do you know, is there an Adam that	10	MR. LEE: I don't know what's wrong with
11	worked at your company?	11	your screen, Jason, but it's Bates-stamped.
12 13	A. We had an intern that was doing basic clerical assistance at one time, college student.	12	MR. MIZRAHI: I don't see it. It could be your display settings.
14			
15	MR. MIZRAHI: Before you ask your next question, C.K., can you please refer to the	14	Ann, can you tell me if you see it? COURT REPORTER: Yes, I see it.
16		16	MR. MIZRAHI: I'm not sure why it's not
17	Bates-stamp number of the document you're displaying on your screen?	17	coming up.
18	MR. LEE: 53.	18	MR. LEE: I'm not playing hide the ball.
19		19	You have this document. You have the whole stack.
20	MR. MIZRAHI: Can you please display the Bates-stamp number of the document you're	20	MR. MIZRAHI: No, no, no. My Zoom
21	displaying on your screen?	20	screen was hiding it. I see it in red. Sorry
22		21 22	about that.
23	MR. LEE: It's displayed. It's 53.	23	BY MR. LEE:
23	THE WITNESS: Can you please scroll down to the Bates-stamped number. I don't see it.	23	Q. Let's go to the next page. Do you
	MR. LEE: Do you see it now, Jason?	25	recognize this document, sir?
クら	IVIN TABLE TO VOIL SEE II HOW TASOU?	J	recognize una document, all :
25	THE BEE. Bo you see it now, sussen.		,

Page 42 Page 43 1 Yes. It's a time sheet. 1 Q. You'll notice the supervisor's signature 2 2 Q. So these are the time sheets that all is not signed. Is that appended that way or does 3 your employees fill out when they are on jobsites? 3 sometimes the supervisor sign? 4 A. Yeah. 4 A. Yeah. They're all put together for me 5 5 Q. Do they fill it out on the jobsite, or to sign at a later time, but we make sure the 6 do they fill it out back in the office? 6 employee received them at the same time. But for 7 A. They have it for the whole week. They 7 some reason, I don't get the time to go sign it, 8 8 have to turn it in at the end of the week. but we have the record here. 9 9 Q. And then you see the employee's Q. You would be the supervisor that 10 10 signature; right? otherwise would sign this sheet; right? 11 Do you see that? 11 A. Yes. 12 12 Q. And so when you review it and every day A. Yeah. 13 Q. Do you recognize that as Juan Lopez's 13 it says eight hours, you don't have a problem with 14 signature? 14 that; right? 1.5 A. Yes. 15 A. No. Q. And you review all of these time sheets 16 16 Q. Okay. And you don't have a problem that 17 before people get paid; right? 17 the time being inputted is not exact to the minute 18 and that it's rounded to the nearest hour; is that A. Yes. 18 19 Q. Now, when I say you, I don't mean you as 19 right? 2.0 a company. You as a person, you individually 20 MR. MIZRAHI: Objection to the form of 21 review them; right? 21 that question. 22 22 A. I review them. Sometimes if I'm not Tony, you can respond. 23 around, I will ask, you know, Steven or maybe make 23 BY MR. LEE: 24 Q. What was your answer, sir? sure Shanti is, like, hey, do you see anything out 24 25 of the way. But 99 percent of the time I do. 25 A. I don't have any issue there. That's Page 44 Page 45 1 1 the rule and that's what I see. he was supervising at that time. 2 2 MR. LEE: If I can go to next page, Q. Okay. Do you guys text employees after 3 Jenie. 3 work hours to give them instructions about work? 4 BY MR. LEE: 4 A. Sometimes we do if there's a change in 5 5 plan from the day before. Just to make sure that Q. So this is a site report; right? 6 A. Yep. 6 we don't make a mistake, we'll send a group chat 7 7 Q. And do you have a site report for every out or we'll send a text message just to give 8 8 location on a daily basis, or is it just something them -- keep them alert. They don't have to 9 that you do every now and then when something 9 respond. We're hoping they do find it. I know 10 happens? 10 that everybody look at their phones at all times. But first thing in the morning they check in to 11 A. No. There's supposed to be a daily log 11 12 every day of every task that we do. 12 make sure that they get what they have to get and Q. Every day that you're on site, you 13 be where they're supposed to be. 13 14 should have a daily site report? 14 Q. But you do expect employees to check 15 A. Yeah. We have a site report to say how 15 their phones to make sure that they know where 16 many guys doing what. 16 they're going and they're supposed to be where 17 they are at the correct time; is that right? 17 Q. And you don't know who fills it out? 18 For example, do you know who filled out this site 18 A. We have a time sheet that is being 19 posted on an app. And that time sheet usually 19 report? 20 20 gets updated by the end of the day. That's the A. The site super. 21 Q. I'm sorry. The site super? 21 next day's schedule, next week's schedule, 22 A. Yes. 22 whatever look ahead we have on who is going where. 23 Q. And here it would be Juan Lopez; right? 23 And that's what they should follow and they should 24 Is he supervising? 24 know when to come in. Some jobsites are a one-hour drive away, 25 A. Looking at the document, it looks like 25

	Page 46		Page 47
1	and some jobsites are a ten-minute drive away.	1	A. Text messages are not compensated for,
2	They should know when to leave to get there.	2	and it's not mandatory. We don't expect someone
3	Q. Now, I believe that Mr. Lopez's work	3	to respond to a text message at any given time.
4	schedule is typically starting around 6:00 or	4	We just send text messages just to leave it out
5	7:00 in the morning and ends around 2:00 or	5	there to make sure, you know, they get it at some
6	3:00 in the afternoon. Is that accurate?	6	point. This is not a mandatory you must reply to
7	A. Yes.	7	it. This is just standard communication just to
8	Q. I believe that was the schedule the	8	make sure that we don't make mistakes or we don't
9	whole time when he was at Thermo Tech; is that	9	go to the wrong place.
10	right?	10	But this is not paid time, and this is
11	A. Not all the time. There's evening work	11	not an expectation of work, that you must respond
12	also.	12	and do anything because this is outside of work
13	Q. Okay. Okay.	13	hours.
14	MR. LEE: Jenie, if I can trouble you to	14	Q. What would you say so Mr. Lopez you
15	go to the next page.	15	said was a helper; right? Is that what you said?
16	BY MR. LEE:	16	A. Yes.
17	Q. Do you see this text message from Juan	17	Q. So he would help the licensed HVAC guys?
18	to Steve?	18	A. Sheet metal mechanics, guys that have
19	Do you see that, sir?	19	years and years of experience.
20	A. Yeah.	20	Q. Can you say that again?
21	Q. Okay. So when you guys, you know, send	21	A. He will assist licensed guys and he will
22	out text messages or when you see employees	22	also assist sheet metal workers.
23	sending text messages to management at Thermo	23	Q. Okay. And when you say assist, he
24	Tech, do they get compensated for their outside of	24	would, I guess, work under their supervision?
25	work time?	25	A. Yes.
	Page 48		
	rage 40		Page 49
1	Q. Okay. And they would tell them like	1	guys made in terms of what he should have been
1 2	_	1 2	-
	Q. Okay. And they would tell them like	1	guys made in terms of what he should have been
2	Q. Okay. And they would tell them like what to do, what to install, like that kind of	2	guys made in terms of what he should have been paid?
2 3	Q. Okay. And they would tell them like what to do, what to install, like that kind of stuff? A. Yeah. Read the plan and tell them they have to go this much higher, go by this	2 3	guys made in terms of what he should have been paid? A. I think there was like somewhere
2 3 4	Q. Okay. And they would tell them like what to do, what to install, like that kind of stuff? A. Yeah. Read the plan and tell them they	2 3 4	guys made in terms of what he should have been paid? A. I think there was like somewhere there was a half hour or something or a few minutes or something, one incident that I could recall of. Nothing more than that.
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2 3 4 5 6	Q. Okay. And they would tell them like what to do, what to install, like that kind of stuff? A. Yeah. Read the plan and tell them they have to go this much higher, go by this measurement over there, and give them guidance and tell them to bring this in, bring that in, put this up, usual when you're helping somebody.	2 3 4 5 6	guys made in terms of what he should have been paid? A. I think there was like somewhere there was a half hour or something or a few minutes or something, one incident that I could recall of. Nothing more than that.
2 3 4 5 6 7	Q. Okay. And they would tell them like what to do, what to install, like that kind of stuff? A. Yeah. Read the plan and tell them they have to go this much higher, go by this measurement over there, and give them guidance and tell them to bring this in, bring that in, put this up, usual when you're helping somebody. Q. Does he have to pay for his own	2 3 4 5 6 7	guys made in terms of what he should have been paid? A. I think there was like somewhere there was a half hour or something or a few minutes or something, one incident that I could recall of. Nothing more than that. Q. Okay. Okay. If I were to tell you that there were certain instances where even based on his time in/time out logs, he would have been
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. And they would tell them like what to do, what to install, like that kind of stuff? A. Yeah. Read the plan and tell them they have to go this much higher, go by this measurement over there, and give them guidance and tell them to bring this in, bring that in, put this up, usual when you're helping somebody. Q. Does he have to pay for his own equipment? A. No. Q. The equipment is provided by the company? A. Yes. MR. LEE: Jenie, can I trouble you to go to Plaintiff's Exhibit 10. BY MR. LEE: Q. Before we start talking about this exhibit, sir, after you received notice of this lawsuit, did you ever go back and check the employee's pay records to see if he was ever short paid for any of his pay periods?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	guys made in terms of what he should have been paid? A. I think there was like somewhere there was a half hour or something or a few minutes or something, one incident that I could recall of. Nothing more than that. Q. Okay. Okay. If I were to tell you that there were certain instances where even based on his time in/time out logs, he would have been short on his pay for his paystubs, would you feel that would you agree that he was short paid then? MR. MIZRAHI: Objection to the form of the question. Tony you can respond. THE WITNESS: What's on his paystub is what he should have received. BY MR. LEE: Q. But the time that's on the paystub is directly from his punch in/punch out logs; right? A. Yes. Not log, but his time sheet. Q. Yeah, his time sheet.
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	Page 50		Page 51
1	time.	1	Q. Would Melissa Amjit now be considered
2	Q. And so do you see this employee manual,	2	part of management?
3	sir?	3	A. Yeah, somewhere around that time,
4	A. Yeah.	4	Melissa came in.
5	Q. And this is an employee manual that	5	Q. Do you have a newer version of this
6	relates to all employees at Thermo Tech; right?	6	employee manual, or is this employee manual
7	A. Yeah.	7	effective since the date on it, which is May 2018?
8	Q. And the policies stated herein are	8	A. No. It's changed. It's ever changing
9	accurate and implemented at Thermo Tech?	9	and it's improved and reviewed. It's changed.
10	A. To the best of my knowledge and the best	10	Q. Do you know when was the first revision
11	I know what we know we should be doing.	11	after 2018?
12	MR. LEE: Jenie, can I trouble you to go	12	A. Not off my memory.
13	to Bates-stamped 13 on this exhibit. I'm sorry,	13	Q. Was there a version prior to this
14	Jenie. Can we go to page 3 first.	14	May 2018 version?
15	BY MR. LEE:	15	A. No.
16	Q. Do you see what's Bates-stamped 3 from	16	Q. This was the first one; right?
17	the employee handbook, sir?	17	A. This was the first. We're trying to
18	A. Yes.	18	make sure we do the right thing and do the best we
19	Q. So do you recognize these four	19	can.
20	individuals as what would be considered management	20	MR. LEE: Jason, can you provide the
21	at Thermo Tech?	21	later version of the handbook?
22	A. Yeah.	22	MR. MIZRAHI: C.K., why don't we talk
23	Q. That would be yourself, Steve, Shanti	23	about this off the record.
24	and Pheronya; correct?	24	MR. LEE: Okay. Jenie, if I could
25	A. Yeah.	25	trouble you to go to page 13. If you could blow
	Page 52		Page 53
1	it up a little bit.	1	incorrect. Probably that needs to being corrected
2	it up a little bit. BY MR. LEE:	2	incorrect. Probably that needs to being corrected and fixed, because that's not how we go about
2	it up a little bit. BY MR. LEE: Q. Are you able to read the paragraph 7.1	2 3	incorrect. Probably that needs to being corrected and fixed, because that's not how we go about doing business. If something is not right, you
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	Page 58		Page 59
1 BY MR. I	LEE:	1	you see the handwritten notation towards the
2 O. Do	you know what this paragraph ten	2	bottom half of the page on Bates-stamp 31 for
	Oo you have any idea?	3	Exhibit 10?
4 A. No	· ·	4	A. Okay.
5 Q. I d	an direct your attention to page 23.	5	Q. Do you recognize the handwriting on this
	scroll down.	6	time sheet?
1	you see this is a signature for a	7	A. Yeah. That's my handwriting.
	ality agreement with Mr. Juan Lopez?	8	Q. That's your handwriting; right?
	you see that?	9	A. Yes.
10 A. Ye	•	10	Q. About "please complete work"; is that
11 Q. Aı	nd he's the employee.	11	right?
	you see that?	12	A. Yeah. They are supposed to be written
13 A. Ye	-	13	down somewhere about where they work.
14 O. Tł	ere's a placeholder for the employer	14	Q. And then you're also adding amounts owed
	d that would be you.	15	for gas and tolls, right, to Mr. Lopez; is that
_	you see that?	16	right?
17 A. Ye	-	17	A. Yes. If they use any petty cash for
18 Q. Aı	nd you agree that you are Juan Lopez's	18	themselves, we will reimburse them. Sometimes
19 employer:		19	they don't bring usually there's a guy with a
20 A. Ye		20	credit card to give you to fill up your gas or
21 O. Aı	nd you agree that you're the employer	21	whatever. But sometimes they don't follow up.
	he employees at Thermo Tech	22	And then they're on the road and realize they
	al; correct?	23	don't have gas. They don't have this. And then
24 A. Ye	<i>'</i>	24	they have to dig out of their pocket because, you
25 O. Le	et me direct your attention to 31. Do	25	know, what can we do. Send somebody to help you
`	-		,
	Page 60		Page 61
1 off the str	eet? And then we'll give you back the	1	it's not like that now.
2 money.		2	Q. So the next page, is this the pay
3 Q. So	what day of the week are employees	3	details for the prior time sheet that was
	submit their time sheets?	4	submitted? It looks like it; right?
5 A. At	minimum by Tuesday morning.	5	A. Regular, overtime. What is that? 24
	Tuesday morning?	6	hours overtime, 40 hours regular. I got to look
-	r the week before.	7	at that.
8 Q. Ol	cay. So the week closes on a Friday?	8	Q. The prior one had the same thing; right?
9 A. Fr	iday is when the paycheck actually	9	A. Okay, if that's what you say.
	the office. We have to send it in at	10	MR. LEE: Jenie, do you want to go back
11 least by W	Vednesday to ADP, and it will be in our	11	up. I just want him to confirm it.
	lay morning.	12	BY MR. LEE:
	at's for the prior week; right?	13	Q. So here at the top you see 40 and 24?
14 A. Ye		14	A. Yeah, 24 hours overtime, 40 hours
15 Q. Sc	at the bottom of the time sheet, do	15	straight time.
-	says Jenie, if you can blow it up	16	Q. So for every pay period, like there's a
	must fill it out every day. Do you	17	payment detail page that comes out; right?
	at that statement means because	18	A. Yeah.
	s supposed to be fill it out every	19	Q. And does the employee receive this?
20 day.		20	A. Yeah. It's ADP. They're a company. If
	ou recognize the sentence by itself	21	you don't fill in the information online in their
	sense; right?	22	system it has to have a line item to go with
	_	23	it. We don't make payroll. This comes from the
23 A. Ye	an, yean. Like I said, we're a smail		
	eah, yeah. Like I said, we're a small We learn. We do a lot of crazy shit.	24	_ :
24 business.		1	payroll company. We have to fill in everything what we're paying for.

	Page 62		Page 63
1	Q. And this goes to the employee?	1	you blow it up a little bit, Jenie.
2	A. Of course.	2	BY MR. LEE:
3	Q. Okay. We're going to go to Bates-stamp	3	Q. Can you tell me what this is, sir?
4	131. Can you tell me what these are? I'm showing	4	A. Hold on one second. The start time, end
5	you Bates-stamped 131, 132. Are these screenshots	5	time, wage, total benefit. This is a spreadsheet
6	of something?	6	of a jobsite where Juan Lopez was documented in
7	A. Somebody taking a picture of a computer	7	one of our submission.
8	screen.	8	Q. Is this from like a project or a
9	Q. Yeah. Do you know what these are?	9	company?
10	A. It looks like the input in the time	10	A. This is the data collected in total of a
11	sheet information.	11	project of a location where an employee was
12	Q. Yeah.	12	working. This is an Excel sheet put together for
13	A. Or maybe pulling information from the	13	a total snapshot of what happened to an employee
14	app to put into a time sheet because we have many	14	within a time period. Yep.
15	ways of how we you have to find the app to make	15	Q. If we can go to the next page.
16	sure where the employees are at and to find where	16	A. Okay.
17	they punched, where they punch in and punch out,	17	Q. Can you tell me what this is?
18	are they within the location, what was the shift,	18	A. That's the sign-in log to have a meeting
19	what was on their paper. So you have to document	19	with the construction authority and respond to
20	where you get your information from so you can sit	20	Juan Lopez stating that we didn't pay him
21	and compare.	21	prevailing wages.
22	So this could have been one of the	22	Q. So what happened after that?
23	documentation screen of where they're correcting	23	A. The construction authority thinks that
24	data from the app to compare to the time sheet.	24	his claim is of no substance and they don't have
25	MR. LEE: Jenie, can we go to 168. Can	25	need to do anything for it.
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1	MR. LEE: Let's take a break until 1:15	1	COMMONWEALTH OF PENNSYLVANIA)
2	and I might be done soon. Okay?	2	COUNTY OF ALLEGHENY) SS:
3	THE WITNESS: Okay.	3	CERTIFICATE
4	MR. LEE: Thanks everybody.	4	I, Ann Medis, RPR, CLR, CSR-WA and
5	(Recess from 1:07 p.m. to 1:15 p.m.)	5	Notary Public within and for the Commonwealth of
6	MR. LEE: Thank you for appearing.	6	Pennsylvania, do hereby certify:
7	We're done.	7	That GOWKARRAN BUDHU, the witness whose
8	MR. MIZRAHI: Thank you.	8	deposition is hereinbefore set forth, was duly
9	MR. LEE: Ann, I'll just take a regular.	9	sworn by me and that such deposition is a true record of the testimony given by such witness.
10	MR. MIZRAHI: Just a quick note for the	10	
11	record before we jump off. Defendant's counsel	11	I further certify the inspection, reading and signing of said deposition were waived
12	respectively reserves to request a copy of	13	by counsel for the respective parties and by the
13	transcript pursuant to the Federal Rules of Civil	14	witness.
14	Procedure.	15	I further certify that I am not related
15	MR. LEE: Thanks, everyone.	16	to any of the parties to this action by blood or
16	(Whereupon, at 1:15 p.m., the taking of	17	marriage and that I am in no way interested in the
17	the instant deposition ceased.)	18	outcome of this matter.
18		19	IN WITNESS WHEREOF, I have hereunto set
19		20	my hand this 18th day of October, 2023.
20		21	
21		22	
22			
23		23	Notary Public
24		24 25	
25		23	
		1	

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1	*** ERRATA SHEET ***	
2	TRANSPERFECT DEPOSITION SERVICES 216 E. 45th Street, Suite #903	
	NEW YORK, NEW YORK 10017	
3 4	(212) 400-8845 CASE: JUAN LOPEZ vs. THERMO TECH MECHANICAL,	. INC.
	DATE: SEPTEMBER 28, 2023	, 11
5 6	WITNESS: GOWKARRAN BUDHU REF: 7982 PAGE LINE FROM TO	
7		
8 9		
10		
11 12		
13		
14 15		
16		
17 18		
19		
20		
21		
22	GOWKARRAN BUDHU	
	Subscribed and sworn to before me	
23	this day of, 20	
24	uns uay 01, 20	
25	Notary Public	

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